

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 61 – SB 226

February 28, 2019

SUMMARY OF ORIGINAL BILL: Creates an exception to the presumption of parentage if a man is physically separated from his wife in a way that prevents physical contact for more than 300 consecutive days immediately preceding the birth of the child, or if it is a medical impossibility the man could father the child.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004460): Deletes all language after the enacting clause. Requires a child's mother to confirm by initialing on the sworn application for a birth certificate that: (1) the child's mother and her husband were not physically separated in a manner that prevented physical contact for a period exceeding 300 consecutive days immediately preceding the birth of the child; and (2) the man was not medically incapable of conceiving the child and a medical condition has not eliminated the man's reproductive capability. Requires a concurrent submission of a sworn application signed by both parents who mutually agree that the husband is the child's natural father, if one of the aforementioned circumstances applies, in order for the mother's husband to be entered on the birth certificate. Effective January 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 36-2-304(a)(1), a man is rebuttably presumed to be the father of a child, if the child is born during the marriage or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce.
- This legislation would require both parents to mutually agree that the husband is the child's natural father, if the child's mother and her husband were physically separated in a manner that prevented physical contact for a period exceeding 300 consecutive days

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immediately preceding the birth of the child, or if the man was medically incapable of conceiving the child and a medical condition has not eliminated the man's reproductive capability, prior to the mother's husband being entered on a child's birth certificate.

- The Office of Vital Records will update birth certificate applications to reflect the changes of the proposed legislation as the current inventories of application forms are exhausted; therefore, any fiscal impact to the Department of Health is not significant.
- Based on information provided by the Administrative Office of the Courts, the proposed legislation would not result in a significant increase in caseloads for the state and local courts. Any increase in expenditures will be absorbed within existing state and local resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/vlh